

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

1. (currently amended) A fireplace for simulating a natural fire, comprising:
a front panel; and
a flame simulation apparatus including:
a flame element directly viewable through the front panel;
a moving ~~means~~ member defining a plurality of blades, the moving member being coupled to the flame element and configured to move the flame element from a fixed position, the moving ~~means~~ member being adjustable about a vertical axis to move the flame element; and
a blower positioned about the vertical axis and configured to provide moving air that adjusts the moving ~~means~~ member about the vertical axis and alters a position of the flame element.
2. (currently amended) The fireplace of claim 1, wherein the blower is arranged and configured to blow air ~~upon~~ along the vertical axis, the blown air engaging the flame element to alter the position of the flame element.
3. (previously presented) The fireplace of claim 1, wherein the blower is positioned vertically below the flame element.
4. (withdrawn) The fireplace of claim 1, wherein the moving ~~means~~ member comprises an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley; and wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.
5. (previously presented) The fireplace of claim 1, wherein the flame element comprises a single piece of substantially flat material having a flame shape.

6. (withdrawn) The fireplace of claim 2, wherein the moving ~~means~~ member comprises:

an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley; and wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

7. (original) The fireplace of claim 1, further comprising a light source positioned to direct light upon the flame element.

8. (original) The fireplace of claim 1, wherein the flame element comprises a silk material.

9. (previously presented) The fireplace of claim 1, wherein the flame element comprises a body portion and an edge portion; and wherein the edge portion only is treated with a stiffening material to prevent fraying of the flame element.

10. (original) The fireplace of claim 1, further comprising a back panel and side panels enclosing the flame simulation apparatus, wherein the back panel and side panels comprise a partial mirrored surface to produce a reflection of the flame element.

11. (original) The fireplace of claim 1, further comprising a log set positioned between the front panel and the flame element.

12. (currently amended) A fireplace for simulating a natural fire comprising:
an enclosure defining a chamber;
a flame element disposed within the chamber and viewable to the observer, the flame element having a vertical axis of rotation;

a moving ~~means~~ member including a vertical axis of rotation that is concentric with the flame element vertical axis of rotation, the moving ~~means~~ member being coupled to the flame element and configured to rotate the flame element; and

a blower configured to provide moving air along the vertical axis of rotation of the moving member, wherein the moving air engages the moving member to rotate the moving member thereby altering that alters a position of the flame element.

13. (currently amended) The fireplace of claim 12, wherein the blower is arranged about the vertical axis of rotation of the moving member and configured to blow air upon the flame element to alter the position of the flame element.

14. (previously presented) The fireplace of claim 12, wherein the blower is positioned vertically below the flame element.

15. (withdrawn) The fireplace of claim 12, wherein the moving ~~means~~ member comprises an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley; and wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

16. (previously presented) The fireplace of claim 12, wherein the flame element comprises a single piece of substantially flat material having a flame shape.

17. (withdrawn) The fireplace of claim 13, wherein the moving ~~means~~ member comprises an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley; and wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

18. (original) The fireplace of claim 12, further comprising a light source positioned to direct light upon the flame element.

19. (original) The fireplace of claim 12, wherein the flame element comprises a silk material.

20. (original) The fireplace of claim 12, wherein the flame element comprises a body portion and an edge portion; and wherein the edge portion is treated with a stiffening material.

21. (original) The fireplace of claim 12, wherein the enclosure comprises a front panel, a back panel, a bottom panel, a top panel and side panels; and wherein the back panel and side panels comprise a partial mirrored surface to produce a reflection of the flame element.

22. (original) The fireplace of claim 12, further comprising a log set disposed within the chamber.

23. (currently amended) A flame simulation apparatus for simulating a fire, the flame simulation apparatus comprising:

a flame element viewable to the observer;

a blower configured to provide moving air that contacts the flame element to alter a position of the flame element; and

a mechanical device coupled to the flame element that concentrically rotates the flame element about a vertical axis of rotation of the mechanical device;

wherein the blower is positioned along the vertical axis of rotation.

24. (withdrawn) The flame simulation apparatus of claim 23, wherein the mechanical device comprises an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley, wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

25. (original) The flame simulation apparatus of claim 23, further comprising a light source positioned to direct light upon the flame element.

26. (original) The flame simulation apparatus of claim 23, wherein the flame element comprises a silk material.

27. (original) The flame simulation apparatus of claim 23, wherein the flame element comprises a body portion and an edge portion; and wherein the edge portion is treated with stiffening material.

28. (previously presented) The flame simulation apparatus of claim 23, wherein the blower is positioned vertically below the flame element.

29. (currently amended) An apparatus for simulating a fire, the apparatus comprising:
an enclosure including a front panel, a back panel, a bottom panel, a top panel and side panels that define a chamber; and

a flame simulation apparatus disposed within the chamber, wherein the flame simulation apparatus comprises:

a flame element viewable to the observer;

a moving means member defining a plurality of blades, the moving member being coupled to the flame element and configured for moving the flame element about a vertical axis; and

~~a blower coupled to the flame element~~ configured to blow air along the vertical axis, wherein the blown air engages the moving member to alter the position of the flame element;

wherein at least one of the back panel and side panels includes a partial mirrored surface to produce a reflection of the flame element that is viewable through the front panel.

30. (withdrawn) The apparatus of claim 29, wherein the moving means member comprises an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley; and wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

31. (previously presented) The apparatus of claim 29, wherein the blower is positioned vertically below the flame element.

32. (original) The apparatus of claim 29, further comprising a light source positioned to direct light upon the flame element.

33. (original) The apparatus of claim 29, wherein the flame element comprises a silk material.

34. (original) The apparatus of claim 29, wherein the flame element comprises a body portion and an edge portion; and wherein the edge portion is treated with a stiffening material.

35. (canceled)

36. (original) The apparatus of claim 29, further comprising a log set disposed within the chamber.

37. (currently amended) A method for simulating a flame of a fire, comprising the steps of:

providing a blower, a moving ~~means~~ member, and a flame element viewable to the observer, the moving member including at least one fan blade;

coupling the flame element to the moving ~~means~~ member, wherein the moving member is configured for moving the flame element from a fixed position about a vertical axis;

positioning the blower along the vertical axis; and

moving the flame element with an air flow provided by the blower by contacting the flame element with ~~moving air provided by the blower and by contacting~~ and the at least one fan blade with ~~moving the air flow~~ from the blower to move the flame element about the vertical axis.

38. (withdrawn) The method of claim 37, wherein the moving ~~means~~ member comprises an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley; and wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

39. (previously presented) The method of claim 37, further comprising the step of positioning the blower vertically below the flame element.

40. (original) The method of claim 37, further comprising the step of providing a light source positioned to direct light upon the flame element.

41. (original) The method of claim 37, wherein the flame element comprises a silk material.

42. (original) The method of claim 37, further comprising the step of treating an edge portion of the flame element with a stiffening material.

43. (currently amended) A method for simulating a fire within a fireplace, comprising the steps of:

providing an enclosure, a flame element, a mechanical structure, and a blower, wherein the enclosure includes a plurality of panels that define a chamber;

disposing the flame element viewable to the observer within the chamber through only one of the plurality of enclosure panels;

coupling the flame element to ~~[[a]]~~ the mechanical structure, the mechanical structure being configured to move the flame element from a fixed position about a vertical axis within the chamber; and

positioning the blower along the vertical axis vertically above or below the flame element, and moving the flame element with an air flow provided by the blower.

44. (withdrawn) The method of claim 43, wherein the mechanical structure comprises an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley; and wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

45. (currently amended) The method of claim 43, further comprising the step of forming the flame element in a flame shape from a single piece of substantially flat material.

46. (original) The method of claim 43, further comprising the step of providing a light source positioned to direct light upon the flame element.

47. (original) The method of claim 43, wherein the flame element comprises a silk material.

48. (previously presented) The method of claim 43, further comprising the step of treating an edge portion only of the flame element with a stiffening material to reduce fraying of the flame element.